IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

FRIDAY, THE 6TH JULY 2007 / 15TH ASHADHA 1929

WP(C).No. 19606 of 2007(H)

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PETITIONER:

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SAJI MATHEW, D/O. P.K.MATHEW,
AGED 40 YEARS, RESIDING AT POOLIMATTATHIL,
THELLAKOM, KOTTAYAM.

BY ADV. SRI.JOHN JOSEPH VETTIKAD
SRI.CJOSEPH JOHNY

RESPONDENTS:

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1. THE NATTAKOM GRAMA PANCHAYATH,
NATTAKOM POST, KOTTAYAM, REPRESENTED BY
ITS SECRETARY.

2. NATTAKOM SURESH, S/O. SADASIVAN,
AGED 39, RESIDING AT KALA BHAVAN, MARIAPALLY,
KOTTAYAM.

BY ADV. SRI.C.S.SUNIL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX (WP.19606/2007)

EXT.P1: TRUE COPY OF SALE DEE.

EXT.P2: TRUE COPY FO SALE DEED.

EXT.P3: DO.

EXT.P4: TRUE COPY OF SETTLEMENT DEED.

EXT.P5: TRUE COPY FO BUILDING TAX RECEIPT DT. 5/2/2001.

EXT.P6: TRUE COPY O F BUILDING TAX RECEIPT DT. 9/5/2006.

EXT.P7: DO. DT. 15/6/2007.

EXT.P8: TRUE COPY FO LICENCE DT. 18/5/2006.

EXT.P9; true copy of receipt no.28 dt. 16/5/2006.

ext.p10: true copy of receipt dt. 16/5/2006.

ext.p11: true copy of electricity bill dt. 14/5/2007.

EXT.P12: TRUE COPY OF PERMIT APPLICATION DT. 19/11/2005.

EXT.P13: TRUE COPY OF NOTICE DT. 15/6/2007.

EXT.P14: TRUE COPYF O REPLY SUBMITTED BY PETTR. DT. 25/6/2007.

EXT.P15: TRUE COOPY OF CERTIFICATE DT. 27/6/2007.

**A.K. Basheer, J.**

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**W.P(C) No. 19606 of 2007**

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**Dated this the d6th ay of July, 2007.**

**J U D G M E N T**

In view of the limited prayer made by the learned counsel for the petitioner at the Bar, I am satisfied that this writ petition can be disposed of without going into the merit of the contentions raised by the petitioner. I have heard learned Standing Counsel for the Panchayat also.

2. Learned counsel submits that the allegations made by the petitioner in the writ petition against respondent No.2 are unequivocally withdrawn by him, since they are not necessary for the adjudication of the issue in this petition. The above submission is recorded. Therefore the allegations made against respondent No.2 will stand expunged from the writ petition.

3. It is not in dispute that petitioner has filed Ext.P14 statement of objection against Ext.P13 notice issued by the Panchayat. The Panchayat has to necessarily consider the objection on its merit. Learned Standing Counsel submits that this will be done without any delay.

4. The only apprehension raised by the petitioner is that the Panchayat may implement the order straight away in case it goes against him. The limited prayer is to give him some breathing space to take recourse to the statutory remedy under Rule 160 of the Kerala Municipality Building Rules, 1999.

5. Having regard to the peculiar facts and circumstances I am satisfied that the petitioner is justified in making the above

submission.

6. Therefore the Panchayat is directed to take a decision in the matter pursuant to Ext.P13 notice after considering the objections raised by the petitioner in Ext.P14. If the order goes against the petitioner, the Panchayat shall keep the said order in abeyance for two weeks from the date of service of a copy of the order on the petitioner.

Writ Petition is disposed of in the above terms.

**A.K. Basheer**
**Judge.**

**an.**